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Agenda item 83
Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Draft resolution

Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 59/47 of 16 December 2004 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

Recalling also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel ("the Convention"),

Noting that the Convention, which entered into force on 15 January 1999, has been ratified or acceded to by 79 States as at the present date,

Reaffirming, in the context of the Convention and its Optional Protocol, the importance of maintaining the integrity of international humanitarian law,

Reaffirming also the obligation of all humanitarian personnel and United Nations and associated personnel to respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Having considered the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated

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Personnel,[1] established pursuant to resolution 56/89 of 12 December 2001, and the report of the Working Group of the Sixth Committee,[2]

Recalling paragraph 167 of the 2005 World Summit Outcome,[3] which stressed the need to conclude negotiations on a protocol expanding the scope of legal protection of United Nations and associated personnel during the sixtieth session of the General Assembly,

Underlining the need to promote the universality of the Convention and thereby strengthen the safety and security of United Nations and associated personnel,

Encouraging States to enact national legislation, as necessary, in order to enable the implementation of the Convention and the Protocol,

1. *Adopts*, therefore, the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which is contained in the annex to the present resolution, and requests the Secretary-General as depositary to open it for signature;

2. *Invites* States to become parties to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel.

Annex

Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel

The States Parties to this Protocol,

Recalling the terms of the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994,

Deeply concerned over the continuing pattern of attacks against United Nations and associated personnel,

Recognizing that United Nations operations conducted for the purposes of delivering humanitarian, political or development assistance in peacebuilding and of delivering emergency humanitarian assistance which entail particular risks for United Nations and associated personnel require the extension of the scope of legal protection under the Convention to such personnel,

Convinced of the need to have in place an effective regime to ensure that the perpetrators of attacks against United Nations and associated personnel engaged in United Nations operations are brought to justice,

Have agreed as follows:

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 52* (A/60/52).

[2] A/C.6/60/L.4.

[3] Resolution 60/1.

Article I
Relationship

This Protocol supplements the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994 (hereinafter referred to as "the Convention"), and as between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as a single instrument.

Article II
Application of the Convention to United Nations operations

1. The Parties to this Protocol shall, in addition to those operations as defined in article 1 (c) of the Convention, apply the Convention in respect of all other United Nations operations established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control for the purposes of:

(a) Delivering humanitarian, political or development assistance in peacebuilding, or

(b) Delivering emergency humanitarian assistance.

2. Paragraph 1 does not apply to any permanent United Nations office, such as headquarters of the Organization or its specialized agencies established under an agreement with the United Nations.

3. A host State may make a declaration to the Secretary-General of the United Nations that it shall not apply the provisions of this Protocol with respect to an operation under article II (1) (b) which is conducted for the sole purpose of responding to a natural disaster. Such a declaration shall be made prior to the deployment of the operation.

Article III
Duty of a State Party with respect to article 8 of the Convention

The duty of a State Party to this Protocol with respect to the application of article 8 of the Convention to United Nations operations defined in article II of this Protocol shall be without prejudice to its right to take action in the exercise of its national jurisdiction over any United Nations or associated personnel who violates the laws and regulations of that State, provided that such action is not in violation of any other international law obligation of the State Party.

Article IV
Signature

This Protocol shall be open for signature by all States at United Nations Headquarters for twelve months, from 16 January 2006 to 16 January 2007.

Article V
Consent to be bound

1. This Protocol shall be subject to ratification, acceptance or approval by the signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

2. This Protocol shall, after 16 January 2007, be open for accession by any non-signatory State. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. Any State that is not a State Party to the Convention may ratify, accept, approve or accede to this Protocol if at the same time it ratifies, accepts, approves or accedes to the Convention in accordance with articles 25 and 26 thereof.

Article VI
Entry into force

1. This Protocol shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to this Protocol after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article VII
Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article VIII
Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

Done at New York this ... (day) ... (month) ... (year).